

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DERRICK N RUSSELL,

Plaintiff,

Case No. 25-cv-0774-bhl

v.

FRANK J BISIGNANO,

Defendant.

**ORDER GRANTING MOTION FOR LEAVE TO PROCEED
WITHOUT PREPAYMENT OF THE FILING FEE**

On May 28, 2025, Plaintiff Derrick Russell filed a complaint seeking review of a decision of the Acting Commissioner for Social Security. (ECF No. 1.) The same day, he also filed a motion for leave to proceed without prepaying the filing fee or *in forma pauperis* (IFP). (ECF No. 2.) The Court has authority to allow a litigant to proceed IFP if it determines that (1) the litigant is unable to pay the costs of commencing the action and (2) the action is not frivolous, does not fail to state a claim, and is not brought against an immune defendant. *Cf.* 28 U.S.C. §1915(a)(1), (e)(2).

In his motion, Russell represents his monthly income consists solely of \$294 a month in food stamps. (ECF No. 2 at 2, 5.) His monthly expenses are \$294 a month for food. (*Id.* at 4–5.) Russell lives with a friend who provides transportation and shelter. (*Id.* at 5.) Given his representations, the Court will grant Russell’s IFP motion.

This does not end the matter, however. As part of evaluating an IFP request, the Court must also review the complaint for sufficiency. If the complaint fails to state a claim on which relief may be granted or is frivolous, it must be dismissed. *See Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1018 (7th Cir. 2013); 28 U.S.C. §1915(e)(2)(B)(i). Here, Russell timely invoked this Court’s jurisdiction pursuant to 42 U.S.C. §405(g). (ECF No. 1.) He argues that the administrative law judge decision denying her claim for Supplemental Security Income and Disability Insurance Benefits is contrary to law and not supported by substantial evidence. (*Id.* at

1.) These arguments are not obviously frivolous and appear to state a potential claim. As a result, the Court will grant Russell's request to waive prepayment of the filing fee.

IT IS HEREBY ORDERED that Plaintiff's motion for leave to proceed without prepaying the filing fee, ECF No. 2, is **GRANTED**.

Dated at Milwaukee, Wisconsin on June 2, 2025.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge